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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,762	11/04/2003	Jose A. Jarimba	60410	6330
24230	7590	11/14/2005		
HARSHAW RESEARCH INCORPORATED P O BOX 418 OTTAWA, KS 66067			EXAMINER HUNTER, ALVIN A	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/700,762	JARIMBA, JOSE A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alvin A. Hunter	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,6 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6 and 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mosier et al. (USPN 4244576) in view of Arkin (USPN 3829092).

Regarding claim 1, Mossier et al. discloses kit comprising a play ball and a club having a shaft and a club head coupled to a first end of the shaft, a target for being positioned a distance from the play ball, wherein the target includes a diameter that is larger than a diameter of the play ball and has a plurality of concentric regions wherein each concentric region includes a means for indicating an associated point value and wherein the play ball includes a layer of fuzzy material. The target is a target ball inasmuch as defined by the applicant's specification and drawings. Mossier does not disclose the shaft having telescoping portions. Arkin discloses a golf club having a shaft including a first shaft portion defining a longitudinal axis and a second shaft portion telescopically received in the first shaft portion and movable along the longitudinal axis (See Abstract). Arkin also discloses a means **78** and **80** for selectively holding and releasing the first and second shaft portions at a selected telescopic configuration (See Figures 2 and Paragraph bridging columns 3 and 4). One having ordinary skill in the art

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would have found it obvious to incorporate a telescoping shaft, as taught by Arkin, into Mossier in order to facilitate storage and transportability of the golf club.

Regarding claim 3, Mossier et al. discloses a plurality of play balls but does not disclose the play balls being of different colors. It is common within any art to have a plurality of elements different colors from the other in order to individually distinguish each element. If in doubt, see Baum (USPN 3715123) and Kelly (USPN 278341). One having ordinary skill in the art would have been commonly motivated to have the play balls of different colors for the above reason.

Regarding claim 6, Mossier et al. discloses the target ball and the play ball having hook and loop fasteners for engaging one another.

Regarding claim 9, Mossier et al. discloses the club head having first and second club face having a symmetrical configuration (See Figure 9).

Claims 10-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mosier et al. (USPN 4244576) in view of Arkin (USPN 3829092) further in view of Urquhart (USPN 569438).

Regarding claim 10, Mosier in view of Arkin do not disclose the face being adjustable. Urquhart discloses a club head having a club face portion, a rod extending from the club face portion, a club head spline extending about the rod adjacent the club face portion wherein the club head also comprises a hosel for attaching a shaft wherein the hosel defines a bore, a hosel spline positioned in the bore, and a means for adjusting the club face angles (See Page 1 and Figures 1 and 2). One having ordinary skill in the art would have found it obvious to incorporate the features of Urquhart into

that of Mossier et al. in view of Arkin in order to allow the user to adjust the loft angle of the club head to that desired.

Regarding claim 11, Urquhart discloses spring means in a hosel bore for biasing the rod toward an engaged configuration wherein the means for moving the rod includes a lever pivotally coupled to the hosel adjacent a free end of the rod.

Regarding claim 12, see the above regarding claims 1 and claim 10.

Regarding claim 13, see the above regarding claims 10.

Regarding claim 14, see the above regarding claim 11.

Regarding claim 15, see the above regarding claim 1.

Regarding claim 16, see the above regarding claim 1.

Regarding claim 17, see the above regarding claim 1.

Regarding claim 18. Mossier et al. discloses providing a target ball, play ball, and club having a shaft and head, positioning the target ball a selected distance from the play ball and club, striking the play ball with the club head for moving the play ball toward the target ball, and repeating the steps until the play ball strikes the target ball. The target is a target ball inasmuch as defined by the applicant's specification and drawings.

### ***Response to Arguments***

Applicant's arguments filed 5/05/2005 have been fully considered but they are not persuasive. Applicant argues that Mossier does not disclose a target ball. The examiner disagrees. The applicant never notes the advantages a target ball has over a conventional target. In Figure 1, the target ball 12 looks like a disc, not a ball.

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Furthermore, the termage "diameter" only requires two dimensions. The target of Mossier et al. is also capable of be kicked into a position if desired by the applicant. The structure of the target of the instant invention possesses no different utility from that of any type of commonly known target. It is merely an element in which the balls are being struck to engage with. Again, why is a target ball more critical than a target? Any structural difference from that of the prior art without stating its advantages will not be accorded allowability. Applicant is reminded that the claims are to be given their broadest reasonable interpretation. Furthermore, applicant is reminded that rational different from that of the applicant's is permissible (See MPEP 2144). In reference to the preamble, the preamble is nothing more than intended use unless it gives structural meaning to the claim (See MPEP 2111.02). In regards to claim 18, the above also applies. Furthermore, the method does not require the target to be kicked into position. The method of the invention ideally does nothing more than what playing croquet would suggest. For these reasons, the above office action has been furnished.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim, can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*AAN*

Alvin A. Hunter, Jr.



**EUGENE KIM**  
PRIMARY EXAMINER